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Via ECFS

March 2, 2012

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *In the Matter of Petitions for Waiver of Commission's Rules Regarding Access to Numbering Resources*, CC Docket 99-200; *In the Matter of Local Number Portability Porting Interval and Validation Requirements*, WC Docket No. 07-244; *In the Matter of Telephone Number Portability*, CC Docket No. 95-116

Dear Ms. Dortch:

On Wednesday February 29, 2012 Bandwidth.com, Inc. met with commission staff to discuss numbering and local number portability concerns in the above named proceedings. In attendance for Bandwidth.com were myself, John Murdock, President of Bandwidth.com, and Ray Paddock, Vice President of Emergency Services and VoIP Products. Attending on behalf of the commission staff were Lisa Gelb, Deputy Chief, Wireline Competition Bureau (WCB); Travis Litman, Legal Advisor, (WCB); William Dever, Chief, Competition Policy Division (CPD); Ann Stevens, Deputy Chief, (CPD); Sanford Williams, Special Counsel for Numbering Administration, (CPD); Marilyn Jones, Attorney-Advisor, (CPD); Melissa Kinkel, Attorney-Advisor, (CPD); and Kimberly Jackson, Attorney-Advisor, (CPD).

First, Bandwidth.com discussed significant concerns it has with the proposed NANC Best Practice #67 as it relates to "project porting" requirements. Unfortunately, Bandwidth.com has only recently become familiar with the proposed best practice as a result of significant project porting problems it is encountering with wholesale porting. Under Best Practice #67, as proposed, it appears that project porting involving more than 200 telephone numbers, could be read to include tacit commission approval for the Old Service Provider to "negotiate" a schedule by which it would perform port-outs. As a

wholesale carrier, Bandwidth.com commonly engages in project porting activity which far exceeds 200 telephone numbers at a time. In fact, port projects between wholesale carriers may include hundreds of thousands of telephone numbers when any given customer decides to switch its preferred provider. A system that includes even a suggestion that the Old Service Provider retains control of the port out schedule because it may “negotiate” a project port plan with the New Service Provider is inherently flawed. The industry operates pursuant to very clear mandatory porting requirements because there is a long and well-established record that if porting decisions are left in the control of Old Service Providers, the interests of end-users and New Service Providers will be frustrated. Old Service Providers’ self interest in retaining revenue or dedicating its resources to other porting activity it may favor instead, will always trump supporting port-out activity without regulatory requirements that dictate otherwise. Allowing the Old Service Provider unfettered negotiation authority in project porting is anti-competitive and is not in the public interest. Therefore, Bandwidth.com requests the commission consider implementing a mandatory port-out period that would not exceed an interval of 30 days for projecting porting in excess of 200 telephone numbers.

Second, Bandwidth.com discussed its perspective on the public policy concerns of granting access to numbering resources to non-carrier entities as both a competitive telecommunications carrier and a wholesale provider of voice over Internet Protocol (VoIP) services. Bandwidth.com also discussed its participation in, and support for, the joint comments and Ex Parte submissions of a carrier-coalition that includes Hypercube Telecom, LLC, Level 3 Communications, LLC, Pac-West Telecomm, Inc., and COMPTel in CC Docket No. 99-200, where Vonage and other VoIP providers have requested direct access to telephone numbering resources as non-carrier entities. As discussed in greater detail in these joint comments filed in this proceeding, Bandwidth.com emphasized that complex routing, number exhaust, interconnection, and intercarrier compensation issues remain unresolved, and that granting the VoIP providers’ requests for direct access to numbering resources is not advisable. Rather, the commission should address the wide array of issues that arise as the industry works to transition from the public switched telephone network (PSTN) to a broadband Internet driven communications market in other proceedings in a more detailed and nondiscriminatory manner. An example of such a proceeding is the existing *IP Enabled Services* proceeding.¹ Now is not the time to grant a widely applicable waiver to the VoIP service provider segment of the industry without having first worked through a clear resolution of the long list of complex issues carriers continue to face in these rapidly evolving times.

¹ See *IP Enabled Services*, WC Docket No. 04-36, Notice of Proposed Rulemaking, 19 FCC Rcd 4863 (2004).

This ex parte notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. Section 1.1206.

Sincerely,

/s/ Greg Rogers

Greg Rogers
Bandwidth.com, Inc.

cc via e-mail: Lisa Gelb
Travis Litman
William Dever
Ann Stevens
Sanford Williams
Marilyn Jones
Melissa Kinkel
Kimberly Jackson